

Chapter 5 SECTION 4(F) EVALUATION

This chapter evaluates the applicability of Section 4(f) of the United States Department of Transportation (USDOT) Act of 1966 to parks and historic resources located within the Regional Connector Transit Corridor project area. Section 4(f) also applies to recreation areas and refuges, though none are located in the project area. Section 4(f) requires that USDOT projects avoid use of these resources for transportation projects unless avoidance is not feasible or prudent, or would not satisfy the purpose of the project. This chapter presents Section 4(f) findings for the protected resources in the Regional Connector project area.

This chapter has been updated since publication of the Draft EIS/EIR based on refinements to the Locally Preferred Alternative (LPA). A vertical line in the margin is used to show where revisions have occurred to this chapter since publication of the Draft EIS/EIR, excluding minor edits for consistency and correction of formatting and minor typographical errors. No changes to the Section 4(f) findings were identified as a result of refinements to the LPA or other developments that have occurred since publication of the Draft EIS/EIR, though additional language has been added regarding the potential to uncover unknown archaeological resources inherent to all underground construction projects. Section 4(f) analysis for the LPA is discussed in Section 5.3.4.

5.1 Regulatory Framework

Section 4(f) is a part of the USDOT Act of 1966, which applies only to projects sponsored by USDOT. It is intended to protect historic and recreational resources and minimize their use by federal transportation projects. Section 4(f) applies to the Regional Connector Transit Corridor project because the project is undergoing a New Starts funding application process with the Federal Transit Administration (FTA), a branch of USDOT.

5.1.1 United States Department of Transportation (USDOT) Act of 1966

Section 4(f) of the USDOT Act protects significant historic resources as well as publicly-owned recreation areas, parks, and wildlife refuges. This federal law prevents USDOT from using or approving the use of resources eligible for Section 4(f) protection, unless there is no feasible and prudent alternative or the project includes all possible measures to minimize the impacts of using the resources (Title 49 U.S.C. Section 303). “Use” is defined as permanent incorporation of any amount of land from a property protected by Section 4(f) and certain instances of temporary occupancy of the property, or “constructive uses” such as noise or visual effects that detract from the protected resource. If an alternative is found to use Section 4(f) resources, an avoidance alternative, if feasible and prudent, must be selected. If no feasible and prudent avoidance alternative exists, then the alternative with the least overall harm to Section 4(f) resources must be selected.

“Permanent incorporation” of a Section 4(f) resource would include purchasing part or all of it for use as right-of-way or for transportation facilities, or purchasing a permanent easement for construction or operations. Even small partial acquisitions of Section 4(f) lands are considered permanent incorporation. Permanent incorporation does not include the maintenance or

rehabilitation of historic transportation facilities for projects that will not affect the historic qualities of these facilities.

“Temporary occupancy” is not considered use of a Section 4(f) resource as long as the duration is temporary; the magnitude and nature of changes to the resources are minimal; there are no anticipated permanent adverse physical impacts to the resources or related activities; the land is fully restored; and there is agreement among appropriate federal, state, and local officials.

“Constructive use” is defined as proximity impacts, such as noise or visual effects that substantially impair the activities, features, or attributes that qualify a resource for Section 4(f) protection. These impacts would have to substantially reduce the value of the resource in terms of its Section 4(f) significance in order to be considered a constructive use. Title 23 CFR Section 774.15 further defines constructive use as occurring when:

- The projected noise level increase attributable to the project substantially interferes with the use and enjoyment of a noise-sensitive facility of a property protected by Section 4(f), such as:
 - Hearing the performances at an outdoor amphitheater;
 - Sleeping in the sleeping area of a campground;
 - Enjoyment of a historic site where a quiet setting is a generally recognized feature or attribute of the site's significance;
 - Enjoyment of an urban park where serenity and quiet are significant attributes; or
 - Viewing wildlife in an area of a wildlife and waterfowl refuge intended for such viewing.
- The proximity of the proposed project substantially impairs aesthetic features or attributes of a property protected by Section 4(f), where such features or attributes are considered important contributing elements to the value of the property. Examples of substantial impairment to visual or aesthetic qualities would be the location of a proposed transportation facility in such proximity that it obstructs or eliminates the primary views of an architecturally significant historical building, or substantially detracts from the setting of a Section 4(f) property which derives its value in substantial part due to its setting;
- The project results in a restriction of access which substantially diminishes the utility of a significant publicly-owned park, recreation area, or historic site;

- The vibration impact from construction or operation of the project substantially impairs the use of a Section 4(f) property, such as projected vibration levels that are great enough to physically damage a historic building or substantially diminish the utility of the building, unless the damage is repaired and fully restored consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties, i.e., the integrity of the contributing features must be returned to a condition which is substantially similar to that which existed prior to the project; or
- The ecological intrusion of the project substantially diminishes the value of wildlife habitat in a wildlife and waterfowl refuge adjacent to the project, substantially interferes with access to a wildlife and waterfowl refuge when such access is necessary for established wildlife migration or critical life cycle processes, or substantially reduces the wildlife use of a wildlife and waterfowl refuge.

The regulation also defines that a constructive use does not occur when:

- Compliance with the requirements of 36 CFR 800.5 for proximity impacts of the proposed action, on a site listed on or eligible for the National Register, results in an agreement of “no historic properties affected” or “no adverse effect”;
- The impact of projected traffic noise levels of the proposed highway project on a noise-sensitive activity do not exceed the FHWA noise abatement criteria, or the projected operational noise levels of the proposed transit project do not exceed the noise impact criteria for a Section 4(f) activity in the FTA guidelines for transit noise and vibration impact assessment;
- The projected noise levels exceed the relevant threshold because of high existing noise, but the increase in the projected noise levels if the proposed project is constructed, when compared with the projected noise levels if the project is not built, is barely perceptible (3 dBA or less);
- There are proximity impacts on a Section 4(f) property, but a governmental agency's right-of-way acquisition or adoption of project location, or the Administration's approval of a final environmental document, established the location for the proposed transportation project before the designation, establishment, or change in the significance of the property. However, if it is reasonably foreseeable that a property would qualify as eligible for the National Register prior to the start of construction, then the property should be treated as a historic site for the purposes of Section 4(f) evaluation;
- Overall (combined) proximity impacts caused by a proposed project do not substantially impair the activities, features, or attributes that qualify a property for protection under Section 4(f);
- Proximity impacts will be mitigated to a condition equivalent to, or better than, that which would occur if the project were not built, as determined after consultation with the official(s) with jurisdiction;

- Changes in accessibility will not substantially diminish the utilization of the Section 4(f) property; or
- Vibration levels from project construction activities are mitigated, through advance planning and monitoring of the activities, to levels that do not cause a substantial impairment of protected activities, features, or attributes of the Section 4(f) property.

5.1.2 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)

The federal transportation policy and spending bill passed in 2005, SAFETEA-LU, includes an amendment to Section 4(f) intended to expedite the approval process for projects that would only have minor impacts on protected resources. These “*de minimis*” impacts include uses that do not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection. SAFETEA-LU allows projects with *de minimis* impacts to Section 4(f) resources to proceed without needing to make a finding that no feasible and prudent avoidance alternatives exist. SAFETEA-LU also clarifies the process for selecting alternatives with the least impacts to Section 4(f) resources, and the standards for determining whether potential avoidance alternatives are reasonable and prudent.

5.1.3 Evaluation Methodology

Section 4(f) protects two categories of resources:

- Significant historic sites
- Publicly-owned parks, recreation areas, wildlife refuges, and waterfowl refuges

These two types of resources are evaluated separately in this report, using two distinctive sets of criteria. This report relies on the data and conclusions from the Cultural Resources - Built Environment (Updated) (Appendix X) and the Parklands and Other Community Facilities Technical Memorandum and Section 4(f) Evaluation (Appendix AA) to support the Section 4(f) findings. The criteria used to evaluate Section 4(f) resources in these reports are described in Sections 5.1.3.1 and 5.1.3.2. The evaluation of resources is also heavily based on the *FHWA Section 4(f) Policy Paper* issued by USDOT, and the *American Association of State Highway and Transportation Officials (AASHTO) Practitioner’s Handbook*.

5.1.3.1 Historic Properties

Historic sites located within the project-specific Area of Potential Effects (APE) (see Section 4.12.1.2 for a copy of the APE map) are evaluated in this report for potential Section 4(f) impacts. The APE was established through consultation between the lead federal agency, FTA; the lead CEQA agency, Metro; the State Historic Preservation Officer (SHPO); and other consulting parties, in accordance with 36 CFR 800.16(d). Section 106 defines an APE as:

the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The

area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.

The project APE was delineated to ensure identification of significant cultural resources that may be directly or indirectly affected by the project, and are listed in or eligible for inclusion in the National Register and/or the California Register. The APE was established using methodology consistent with those of previous Metro projects. The APE consists of 213 Los Angeles County Office of the Assessor parcels, some of which are subdivided into multi-property entities.

The project APE was determined by consensus between the undertaking's lead federal agency, FTA, and consulting parties, led by the California SHPO. The California Office of Historic Preservation (OHP) defines the boundaries within which properties are identified and evaluated for their historic significance and effects of the proposed project are analyzed. The project APE was approved on September 9, 2009.

For historic and architectural resources, the APE includes all parcels adjacent to both sides of the proposed project alignment, including stations, subway or open-cut construction areas, and areas proposed for acquisition. The APE includes areas that may be subject to potential project-related effects, including visual or audible effects and settlement effects that may result from construction or implementation of the proposed project. The built environment APE includes the boundaries of two known, previously identified historic districts that are listed in the National Register.

For archaeological and paleontological resources, the APE includes the proposed at-grade and underground right-of-way and/or areas of direct ground disturbance for each alternative. The APE also includes areas with permanent site improvements and areas for staging and temporary construction activities.

In order to anticipate effects that may result from both aboveground construction and operation and subterranean construction and operation, the vertical APE extends from approximately 25 feet above the existing ground surface to approximately 100 feet below the existing ground surface.

Since the proposed project is expected to be constructed by 2018, identification efforts focused on parcels containing improvements constructed in or before 1968 (2018 – 50 years = 1968). Those improvements have been evaluated for National and California Register eligibility as part of the project identification phase, and all previously identified historic properties and historical resources were noted. For the purposes of the Section 4(f) evaluation, only resources that are listed on the National Register of Historic Places (NRHP) or are eligible for listing are discussed in this report.

5.1.3.2 Parks, Recreation Areas, and Refuges

The USDOT Act defines public parks, public recreation areas, wildlife refuges, and waterfowl refuges as publicly-owned land where one of its major purposes is for park, recreation, or refuge use, as determined by FTA for FTA-funded projects, with input from the official with jurisdiction over the resource. The official with jurisdiction also determines whether the resource is

considered significant. Major purposes do not include incidental, secondary, occasional, or dispersed activities. In order to be protected by Section 4(f), parks and recreation areas must be open to the public on a regular basis. Waterways and adjoining lands are only considered Section 4(f) resources if they fall within the public park, public recreation area, or refuge definitions.

Potential impacts to Section 4(f) parklands, recreation areas, and refuges were assessed for this report by conducting an inventory of facilities located within 0.25 mile of either side of proposed project alignments, stations, and sites associated with construction (also referred to as the “project area”). A 0.25-mile radius from proposed alignments is consistent with previous environmental analyses for Metro transit projects and identifies the facilities that are in closest proximity, thereby indicating those that could be directly or indirectly impacted by the proposed transit improvements. Given the urbanized setting of the project area, it is very unlikely that any impacts that could constitute constructive use under Section 4(f) would occur farther than 0.25 mile from the proposed light rail facilities.

This impact analysis for Section 4(f) resources identified locations of potentially affected resources within the project area, and overlaid those sites on the proposed transit alternatives, including the LPA, to assess potential direct and indirect impacts. Sites were identified from existing sources, including planning documents for the City and County of Los Angeles, various internet sites for federal, state and local agencies, map and satellite imagery of the area of potential impact, as well as field investigations. These sites are listed in Section 5.2.

The second step in the impact analysis was to consider potential short-term and long-term impacts on Section 4(f) resources associated with construction and operation of the proposed project. The analysis addressed potential direct impacts, such as permanent incorporation and temporary occupation, and indirect impacts, such as potential constructive use arising from project activities (i.e., construction of guideways and trackwork, underground and at-grade stations, tunnels, and below-grade separations; removal of parking; or reduction of pedestrian access).

Construction period impacts were evaluated for each potential Section 4(f) resource. Operational impacts are anticipated to be primarily beneficial if they increase access to these resources. Proximity impacts related specifically to traffic, safety, air quality, noise, and other related issues could also have an effect on these resources. Potential effects on pedestrian and vehicular access are further discussed in Chapter 3, Transportation Impacts and Mitigation. Existing and future safety and security issues for motorists and the surrounding community, including those traveling to and from the potential Section 4(f) resources, are discussed in Section 4.15, Safety and Security. Other potential indirect impacts related to air quality and noise are addressed in Section 4.5, Air Quality, and Section 4.7, Noise and Vibration.

5.2 Affected Environment

This section describes the existing potential Section 4(f) resources located within the project area. For the purposes of evaluating potentially significant historic properties, all sites within the APE that received SHPO concurrence were examined. For the purposes of evaluating

parklands and recreational facilities, all sites located within one quarter mile of the proposed Regional Connector alternatives, including the LPA, were considered. The Regional Connector project area contains many historic sites and several park and recreation facilities. The project area does not contain any wildlife refuges. The analysis included in Section 4.12.1, Historic Resources – Built Environment, and in Section 4.13, Parklands and Other Community Facilities, was used for the purposes of this Section 4(f) evaluation.

5.2.1 Historic Properties

Of the historic resources examined, five would possibly be affected by the Regional Connector alternatives, including the LPA, and protected by Section 4(f) (see Table 5-1 and Figure 5-1). For each of the resources below, at least one of the proposed Regional Connector alternatives, including the LPA, would have a potential impact (including *de minimus* impacts) after all mitigation measures in Chapter 3, Transportation Impacts and Mitigation, Chapter 4, Environmental Analysis, Consequences, and Mitigation, and Chapter 8, Mitigation Monitoring and Reporting Program (MMRP) for the LPA, are implemented. Properties potentially affected by the LPA are discussed in Section 5.3.4. The LPA would have only one *de minimus* impact related to an underground easement and would therefore not have 4(f) impacts; see analysis below in Section 5.3.4.

- Los Angeles Police Motor Transport Division
- Parker Center
- City Hall South
- 2nd Street Tunnel
- St. Vibiana Cathedral Rectory

These sites could be affected through property takings, proximity to the proposed transportation facilities, or physical alteration. Further details about the potential effects on these sites are discussed in Section 5.3. Some of these resources (Los Angeles Police Motor Transport Division, Parker Center, and City Hall South) contribute to the Civic Center Historic District, but no adverse effects to the district are identified in Section 4.12.1. A second historic district, the Little Tokyo Historic District, is also present in the project area, but neither the district nor any of its contributing resources would be adversely affected per the analysis in Section 4.12.1. Additional information on the eligibility of the resources and a detailed discussion of project effects is included in the Cultural Resources - Built Environment (Updated) in Appendix X. No archaeological resources would be adversely affected by any of the alternatives after mitigation in a way that could constitute use under Section 4(f). Further information about the archaeological resource analysis is provided in Section 4.12.2.

5.2.1.1 Los Angeles Police Motor Transport Division

The Los Angeles Police Motor Transport Division was constructed in 1958 on the southeast corner of the Parker Center complex, which is located in the heavily urbanized Civic Center area. It serves as the vehicle maintenance and storage facility for the Los Angeles Police Department.

It contributes to the Los Angeles Civic Center Historic District, which has been found eligible for the NRHP. The parking lot on the east side of the Motor Transport Division has recently been demolished, but the rest of the building remains intact.

Table 5-1. Potentially Affected Historic Resources Protected by Section 4(f)

Map No ¹	Name	Description of Facility	Location	NRHP Eligibility Criterion
1	Los Angeles Police Motor Transport Division	Vehicle service and storage facility for the Los Angeles Police Department	151 N. Judge John Aiso Street	Criterion A and C (Contributing)
2	Parker Center	Former Los Angeles Police Department headquarters	150 N. Los Angeles Street	Criterion B and C
3	City Hall South	Municipal office building, located across Main Street from the main City Hall building	111 E. 1 st Street	Criterion A and C
4	2 nd Street Tunnel	Vehicular tunnel beneath Bunker Hill	2 nd Street between Figueroa and Hill Streets	Criterion A and C
5	St. Vibiana Cathedral Rectory	Rectory of the former St. Vibiana Cathedral, no longer in service as a religious institution	114 E. 2 nd Street	Criterion B

Note:

¹ Map numbers correspond to Figure 5-1.

5.2.1.2 Parker Center

Parker Center was constructed in 1955 and served as the headquarters for the Los Angeles Police Department until 2009. The building sits immediately north of the Motor Transport Division, and extends from Los Angeles Street to Judge John Aiso Street. Like the Motor Transport Division, the building contributes to the National Register-eligible Los Angeles Civic Center Historic District. The parking lot on the southeast side of the building has recently been demolished, but the Parker Center building remains intact.

5.2.1.3 City Hall South

City Hall South (formerly the City Health Building) is a nine-story International Style building that houses municipal offices. It was constructed in 1954 and is located across Main Street from the main City Hall building. The building contributes to the Los Angeles Civic Center Historic District, which is eligible for listing in the NRHP.

5.2.1.4 2nd Street Tunnel

The 2nd Street Tunnel is a vehicular tunnel beneath Bunker Hill stretching from Figueroa Street to Hill Street. It was built in 1924 and was one of the four Bunker Hill tunnels built in the early 20th

Century. Several modifications to the tunnel have been made since its construction, including the addition of protective curbs, replacement of ventilation fans, extension of the tunnel to the west, and addition of vent shafts. The tunnel is eligible for listing in the NRHP.

5.2.1.5 St. Vibiana Cathedral Rectory

The St. Vibiana Cathedral Rectory is located adjacent to the St. Vibiana Cathedral on the south side of 2nd Street just east of Main Street. The rectory was built in 1934 to replace an older rectory that was damaged by an earthquake in 1933. The cathedral and rectory are no longer owned by a religious institution, and adaptive reuse plans for the rectory have recently been proposed. The rectory is eligible for listing in the NRHP.

5.2.2 Parks, Recreation Areas, and Refuges

There are six public parks and recreational facilities operated by the City of Los Angeles Department of Recreation and Parks within one quarter mile of the proposed Regional Connector alternatives, including the LPA:

- Pershing Square
- City Hall South Lawn Park
- Grand Hope Park
- Los Angeles Plaza Park
- Civic Center Mall/Future Civic Park
- County Park at Walt Disney Concert Hall

These parks are all small urban parks typical of a downtown business district, and none are larger than one city block. These parks are described further in Table 5-2. These resources are also mapped in Figure 5-2.

In addition, there are public facilities that are not designated as parks by the regulatory agency with jurisdiction over them, but they function partially as parks and are open to the public. These include Fletcher Bowron Square and Maguire Gardens. It is unclear whether the appropriate regulatory agency considers park and recreation activities a major use under Section 4(f), but these facilities are also shown in Table 5-2 and Figure 5-2 and analyzed in this report as though they qualify for Section 4(f) protection. The Los Angeles River is also discussed in Section 5.2.2.9 because rivers can be eligible for Section 4(f) protection under circumstances where they provide substantive recreational activities.

5.2.2.1 Pershing Square

Pershing Square is a publicly-owned park that occupies the entire city block bounded by 5th, Hill, 6th, and Olive Streets. It is approximately three blocks from the nearest construction area, which would be along Flower Street. Pershing Square includes landscaping, extensive hardscape areas, bench seating and picnic tables, three levels of subterranean parking, a fountain, a weekly

farmers market, occasional outdoor public performances, and a seasonal ice skating rink. The park does not function as a wildlife or waterfowl refuge.

5.2.2.2 City Hall South Lawn Park

City Hall Park is a publicly-owned park located on the north side of 1st Street between Spring and Main Streets. It occupies the space between 1st Street and the southern entrance to City Hall and accounts for approximately one-fifth of the city block. It features paved pathways, tree-shaded grassy areas with landscaping, and bench seating. City Hall Park is identified as open space by the City of Los Angeles zoning and the Central City Community Plan, which makes it eligible for protection under Section 4(f) (City of Los Angeles 2003). The park does not function as a wildlife or waterfowl refuge.

5.2.2.3 Grand Hope Park

Grand Hope Park is located at 9th Street and Grand Avenue. This is approximately four blocks southeast of the nearest construction area, which would be just north of 7th Street/Metro Center Station on Flower Street. The publicly-owned park occupies approximately two-thirds of a city block and includes a play area, landscaped space, seating and picnic table areas, and paved pathways. Some of the entrances to the park are integrated into the residential and educational buildings located on the same block. The park does not function as a wildlife or waterfowl refuge.

5.2.2.4 Los Angeles Plaza Park

Los Angeles Plaza Park is located south of Cesar Chavez Avenue, between Main and Alameda Streets. This publicly-owned park occupies approximately two city blocks across the US 101 Freeway from the proposed project and includes a plaza, performance area, retail space, seating, and landscaped areas. The park does not function as a wildlife or waterfowl refuge.

5.2.2.5 Civic Center Mall/Future Civic Park

The Civic Center Mall/Future Civic Park is a county-owned park located on the block bounded by the Stanley Mosk Courthouse, the Kenneth Hahn Hall of Administration, Grand Avenue, and Hill Street. The park occupies approximately three-quarters of a city block. It is located one and a half blocks from the nearest construction area, which would be along 2nd Street. The park includes landscaping, extensive hardscape areas, bench seating, subterranean parking, a large fountain, outdoor dining, direct entrances to public office buildings, and pedestrian tunnels beneath Grand Avenue. It is currently undergoing renovation and construction activities. The park does not function as a wildlife or waterfowl refuge.

5.2.2.6 County Park at Walt Disney Concert Hall

The Walt Disney Concert Hall is primarily used as an indoor space for musical performances, but it has an outdoor terrace on its third floor that is open to the public and directly accessible from public sidewalks. The facility is owned by the County of Los Angeles which contracts with a non-profit organization to manage it. It is designated as a public facility in the City of Los Angeles zoning and the Central City Community Plan (City of Los Angeles 2003). The outdoor terrace portion of the building would be protected as a county park under Section 4(f).

The concert hall occupies the block bounded by 1st Street, Grand Avenue, Upper 2nd Street, and Hope Street. It is located diagonally across the intersection of 2nd and Hope Streets from the proposed underground 2nd/Hope Street station and pedestrian connection to Upper Grand Avenue. The outdoor terrace includes landscaping, extensive hardscape areas, bench seating and picnic tables, a fountain, two outdoor amphitheatres, and direct entrances to the concert hall. The park does not function as a wildlife or waterfowl refuge.

5.2.2.7 Fletcher Bowron Square

Fletcher Bowron Square sits on the roof of a subterranean mall and acts as a walkway and plaza area between the surrounding public buildings. It is publicly-owned and designated as a public facility in the City of Los Angeles zoning and the Central City Community Plan (City of Los Angeles 2003). It is unclear whether the regulatory agency, the City of Los Angeles, would identify park use as one of the major purposes of Fletcher Bowron Square. If park use were to be identified as a major use, it may potentially be protected under Section 4(f).

The plaza is located on the north side of Temple Street between Main and Los Angeles Streets, and occupies approximately one-third of the city block. It features paved pathways, tree-shaded grassy areas, bench seating, and the colorful Triforium public art installation. No part of Fletcher Bowron Square would be temporarily occupied or permanently incorporated into the project.

5.2.2.8 Maguire Gardens

Maguire Gardens is an outdoor landscaped space near the western entrance to the Central Library. It is owned by the City of Los Angeles and is designated as a public facility in the City of Los Angeles zoning and the Central City Community Plan (City of Los Angeles 2003). It is unclear whether the regulatory agency, the City of Los Angeles, would identify park use as one of the major purposes of Maguire Gardens. As such, it may potentially be protected under Section 4(f).

Maguire Gardens occupies the space bounded by 5th Street, Flower Street, the California Club, and the Central Library. It is located adjacent to the proposed project on Flower Street. The space features landscaping, tree-shaded grassy areas, bench seating, a fountain, five levels of subterranean parking, a restaurant with outdoor seating, and direct entrances to the Central Library. Maguire Gardens does not function as a wildlife or waterfowl refuge.

5.2.2.9 Los Angeles River

The Los Angeles River is located west of Santa Fe Avenue, approximately 0.25 mile from the LPA. This is the only build alternative that approaches this resource within one quarter mile.

It is a publicly-owned waterway, but it is flanked on both sides by private industrial properties and active railroad tracks. The waterway runs through a concrete channel and is fenced to prevent public intrusion and safety hazards. Since it is not open to the public and does not function as a wildlife or waterfowl refuge, the Los Angeles River is not a protected park, recreation area, or refuge resource under Section 4(f). A portion of the river area that contains a bicycle path is located more than 0.25 mile from the proposed LPA alignment.

5.3 Environmental Impacts/Environmental Consequences

All project easements and acquisitions were examined, and all parcels containing historic sites eligible for the NRHP within the SHPO-approved APE were evaluated for potential Section 4(f) impacts. Additionally, any historic resources that would be altered by any of the project alternatives, including the LPA, were evaluated in detail. Resources for which Section 4(f) eligibility could not be conclusively determined were analyzed as though they were eligible for Section 4(f) protection.

All parklands and recreation facilities within 0.25 mile of the proposed project facilities were evaluated for potential Section 4(f) impacts. Any resources farther than 0.25 mile from the proposed facilities would be unlikely to experience use under Section 4(f).

Table 5-3 summarizes all of the resources in the project area that were identified for further evaluation for impacts under Section 4(f). Analysis was performed assuming that all mitigation measures in Chapter 8, MMRP for the LPA, would be implemented for the LPA, and that all mitigation measures in Chapter 3, Transportation Impacts and Mitigation, and Chapter 4, Environmental Analysis, Consequences, and Mitigation, would be implemented for the other alternatives. Table 5-3 includes information about each resource, and preliminary Section 4(f) findings. The SHPO has concurred with FTA's finding that there would only be an adverse effect on one historic property, the 2nd Street Tunnel. A finding of 'no adverse effects' can be used to support a *de minimis* impact finding.

Figures 5-1 and 5-2 show the locations of the resources identified in Table 5-3, using the corresponding map numbers. Historic resources are shown in Figure 5-1 and park resources are shown in Figure 5-2.

The following subsections detail the preliminary Section 4(f) findings for each of the alternatives, including the LPA. Each resource where a potential use is likely to occur is described in detail under the first alternative where a use could occur. Conclusions in this section are based on the criteria described in Section 5.1.

5.3.1 No Build Alternative and TSM Alternative

The No Build and TSM Alternatives would not require construction of major infrastructure, and would not result in the use of any resources potentially affected under Section 4(f).

5.3.2 At-Grade Emphasis LRT Alternative

The At-Grade Emphasis LRT Alternative would require creation of a new portal in the side of the 2nd Street Tunnel and conversion of three of its four lanes to light rail use. This would constitute a permanent incorporation of a historic resource protected by Section 4(f). On June 1, 2010, the SHPO concurred with FTA's finding of an adverse effect from the At-Grade Emphasis LRT Alternative on the 2nd Street Tunnel. Since the At-Grade Emphasis LRT Alternative is the only alternative that would use a Section 4(f) resource, it cannot be selected, and one of the other build alternatives determined to be feasible and prudent must be selected.

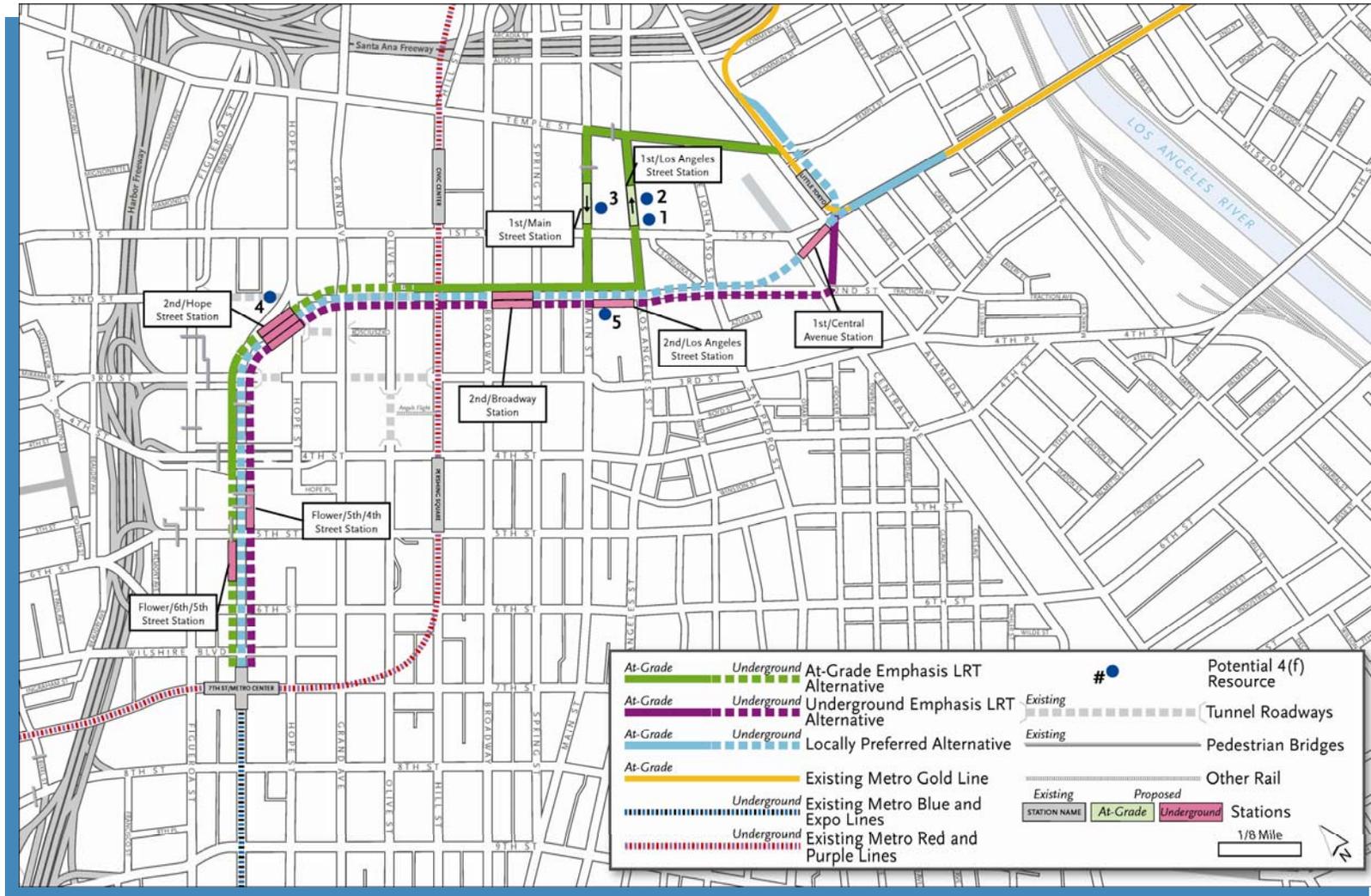


Figure 5-1. Potentially Affected Historic Resources Protected by Section 4(f)

**Table 5-2. Parklands and Recreational Resources
Within 0.25 mile of the Project Alternatives**

Map No ¹	Name	Type of Facility	Approx Size (acres)	Location	Regulatory Agency	Proximity to Alignment (miles) ²
Parklands/Recreation						
1	Grand Hope Park	Special Features: <ul style="list-style-type: none"> • Decorative sidewalks; • 2 fountains; • Clock tower; • Pergolas; • Children's play area; • Displays of various artists' work 	2.5	919 S. Grand Avenue	City of Los Angeles	0.16 ALRT 0.16 ULRT 0.16 LPA 0.16 LTSM 0.25 UTSM
2	Pershing Square	Special Features: <ul style="list-style-type: none"> • Ice Skating Rink (seasonal); • Stage; • Sunken Amphitheatre; • Other Programs: • Earth Day; • Secretary Day; • Shakespeare in the Park; • Special Events Concert; • St. Patrick's Day Parade; • Take Daughter to Work Day 	5.0	532 S. Olive Street	City of Los Angeles	0.24 ALRT 0.24 ULRT 0.24 LPA 0.24 LTSM 0.01 UTSM
3	City Hall Park	Landscaped grounds of City Hall	4.0	200 N. Main Street	City of Los Angeles	0.04 ALRT 0.14 ULRT 0.14 LPA 0.14 LTSM 0.13 UTSM
4	Civic Center Mall/Future Civic Park	Special Features: <ul style="list-style-type: none"> • Large fountain; • Multi-story parking garage for county employees underneath coffee shop 	5.0	Block bounded by S. Hill Street, S. Grand Avenue, W. 1 st Street, and W. Temple Street	County of Los Angeles	0.14 ALRT 0.14 ULRT 0.14 LPA 0.14 LTSM 0.01 UTSM
5	Los Angeles Plaza Park	Special Features: <ul style="list-style-type: none"> • Part of El Pueblo de Los Angeles (see Museums); • Restaurants and Shops; • Olvera Street 	7.0	125 Paseo de la Plaza	City of Los Angeles	0.20 ALRT 0.30 ULRT 0.25 LPA 0.10 LTSM 0.01 UTSM

**Table 5-2. Parklands and Recreational Resources
Within 0.25 mile of the Project Alternatives (continued)**

Map No ¹	Name	Type of Facility	Approx Size (acres)	Location	Regulatory Agency	Proximity to Alignment (miles) ²
6	County Park at Walt Disney Concert Hall	Special Features: <ul style="list-style-type: none"> • Landscaped Terrace; • Outdoor Amphitheatres 	2.0	Block bounded by 2 nd Street, Hope Street, 1 st Street, and Grand Avenue	City of Los Angeles	0.06 ALRT 0.06 ULRT 0.06 LPA 0.04 LTSM 0.08 UTSM
Public Facilities That Partially Function as Park Spaces						
7	Fletcher Bowron Square	Special Features: <ul style="list-style-type: none"> • Landscaped Plaza 	2.0	Northeast corner of Temple and Main Streets	City of Los Angeles	<0.01 ALRT 0.25 ULRT 0.25 LPA 0.25 LTSM <0.01 UTSM
8	Maguire Gardens	Special Features: <ul style="list-style-type: none"> • Tree-shaded; Landscaped Area; • Fountains; • Outdoor Dining 	1.5	Southeast corner of 5 th and Flower Streets	City of Los Angeles	<0.01 ALRT <0.01 ULRT <0.01 LPA <0.01 LTSM <0.01 UTSM
Waterways						
9	Los Angeles River ³	Concrete Channel	N/A	Between Santa Fe Avenue and Mission Road	City, County of Los Angeles	0.35 ALRT 0.35 ULRT 0.25 LPA 0.35 LTSM 0.35 UTSM

Notes:

¹ Map numbers correspond to Figure 5-2.

² Distance to At-Grade Emphasis LRT Alternative (ALRT), Underground Emphasis LRT Alternative (ULRT), Locally Preferred Alternative (LPA), Transportation System Management Alternative (TSM) Lower Grand Shuttle Bus (LTSM) and TSM Upper Grand Shuttle Bus (UTSM) unless otherwise noted.

³ The Los Angeles River is evaluated for Section 4(f) eligibility because waterways can be considered eligible if they provide substantive recreational activities. This evaluation is discussed in Section 5.2.2.9.

Distances are approximate following a straight line from location to the alternative alignment.

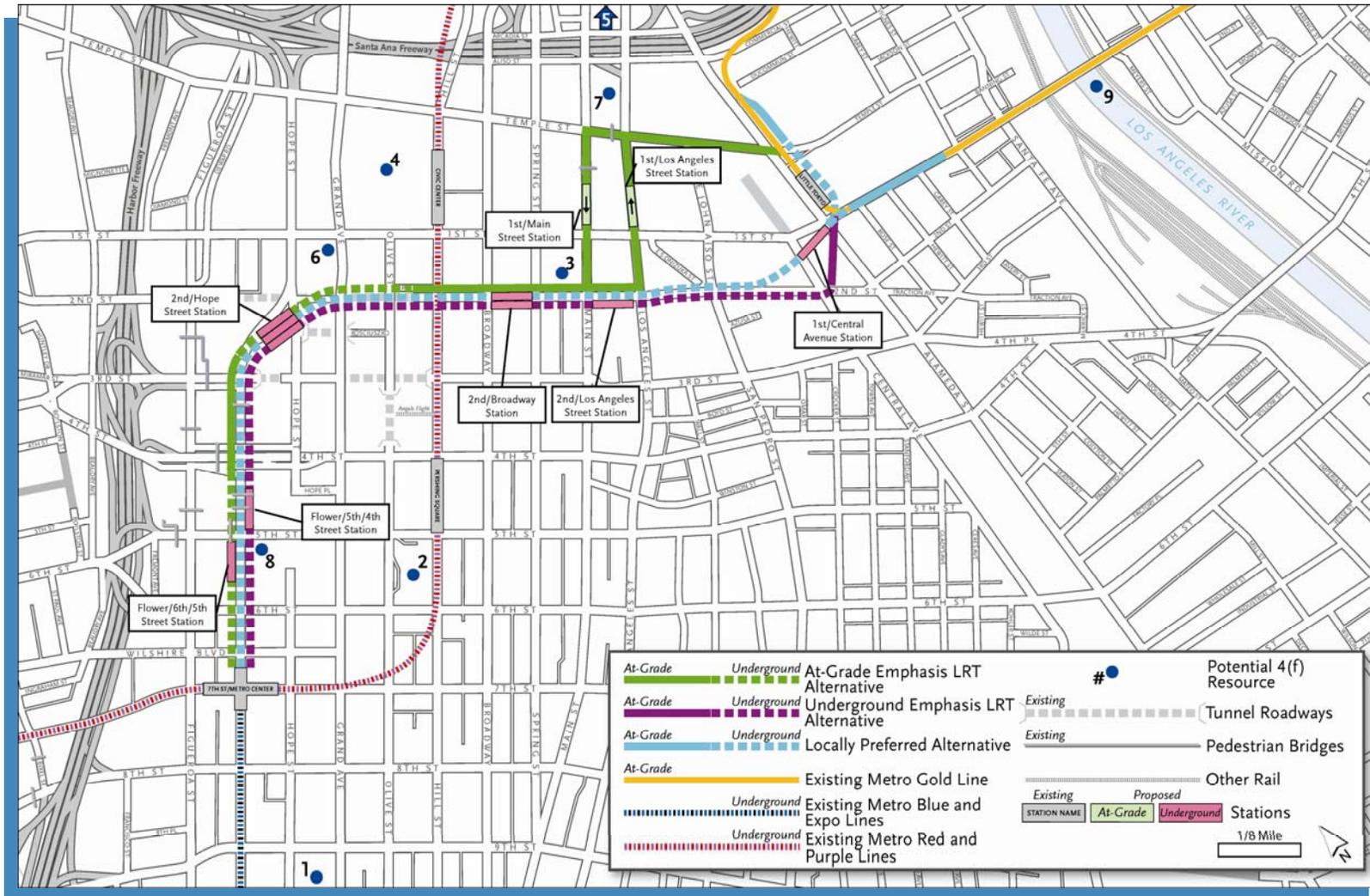


Figure 5-2. Project Area Potential Parks, Recreation Areas, and Refuges

Table 5-3. Section 4(f) Findings for Potentially Affected Resources

Map No.1	Resource Name	Section 4(f) is Applicable?	No Build and TSM Alts. Finding	At-Grade Emphasis LRT Alt. Finding	Underground Emphasis LRT Alt. Finding	Locally Preferred Alt. Finding
Historic Sites						
1	Los Angeles Police Motor Transport Division	Yes	No Use	<i>De Minimis</i> Impact (2,691 sq ft Fee, 2,394 sq ft Temporary Easement)	No Use	No Use
2	Parker Center	Yes	No Use	<i>De Minimis</i> Impact (3,336 sq ft Fee, 7,841 sq ft Temporary Easement)	No Use	No Use
3	City Hall South	Yes	No Use	<i>De Minimis</i> Impact (3,609 sq ft Fee, 888 sq ft Temporary Easement)	No Use	No Use
4	2 nd Street Tunnel	Yes	No Use	Permanent Incorporation (Street right-of-way, no square footage estimate available)	No Use	No Use
5	St. Vibiana Cathedral Rectory	Yes	No Use	No Use	<i>De Minimis</i> Impact (345 sq ft Subsurface Easement)	<i>De Minimis</i> Impact (898 sq ft Subsurface Easement)
Parklands/Recreation						
1	Grand Hope Park	Yes	No Use	No Use	No Use	No Use
2	Pershing Square	Yes	No Use	No Use	No Use	No Use
3	City Hall Park	Yes	No Use	No Use	No Use	No Use
4	Civic Center Mall/Future Civic Park	Yes	No Use	No Use	No Use	No Use

Table 5-3. Section 4(f) Findings for Potentially Affected Resources (continued)

Map No.1	Resource Name	Section 4(f) is Applicable?	No Build and TSM Alts. Finding	At-Grade Emphasis LRT Alt. Finding	Underground Emphasis LRT Alt. Finding	Locally Preferred Alt. Finding
5	Los Angeles Plaza Park	Yes	No Use	No Use	No Use	No Use
6	County Park at Walt Disney Concert Hall	Yes	No Use	No Use	No Use	No Use
7	Fletcher Bowron Square	Potentially	No Use	No Use	No Use	No Use
8	Maguire Gardens	Potentially	No Use	No Use	No Use	No Use
9	Los Angeles River	No	Not a Section 4(f) Protected Resource			

Note:
¹ Map numbers correspond to Figures 5-1 and 5-2.

The At-Grade Emphasis LRT Alternative would also result in a *de minimis* impact on three other Section 4(f) resources:

- Parker Center
- City Hall South
- Los Angeles Police Motor Transport Division

At each of these sites, a small easement along the edge of the parcel would need to be acquired for at-grade station construction, but the site’s historic features would not be disturbed. The SHPO has concurred with FTA’s determination that there would not be an adverse effect on these three resources.

The At-Grade Emphasis LRT Alternative is located within approximately one-quarter mile of the following parks and recreation areas, which are discussed further in Section 5.3.2.2:

- Grand Hope Park
- Pershing Square
- City Hall Park
- Civic Center Mall/Future Civic Park

- Los Angeles Plaza Park
- Walt Concert Hall
- Fletcher Bowron Square
- Maguire Gardens

5.3.2.1 Historic Properties

5.3.2.1.1 Los Angeles Police Motor Transport Division

The At-Grade Emphasis LRT Alternative would require acquisition of a portion of the Motor Transport Division's street frontage along Los Angeles Street to provide space for construction staging and at-grade station facilities. The proposed Los Angeles/1st Street station would be located immediately in front of the Motor Transport Division. The Motor Transport Division building itself would not be affected.

This acquisition and the proposed light rail facilities would not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection. The SHPO has concurred that there would not be an adverse effect on this historic property from the At-Grade Emphasis LRT Alternative.

The At-Grade Emphasis LRT Alternative would have a *de minimis* impact to the Los Angeles Police Motor Transport Division as defined by SAFETEA-LU.

5.3.2.1.2 Parker Center

The At-Grade Emphasis LRT Alternative would require acquisition of a portion of Parker Center's street frontage along Los Angeles Street to provide space for construction staging and at-grade station facilities. The proposed Los Angeles/1st Street station would be located immediately in front of Parker Center. The Parker Center building itself would not be affected.

This acquisition and the proposed light rail facilities would not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection. The SHPO has concurred that there would not be an adverse effect on this historic property from the At-Grade Emphasis LRT Alternative. The At-Grade Emphasis LRT Alternative would have a *de minimis* impact to Parker Center as defined by SAFETEA-LU.

5.3.2.1.3 City Hall South

The At-Grade Emphasis LRT Alternative would require acquisition of a portion of City Hall South's street frontage along Main Street to provide space for construction staging and at-grade station facilities. The proposed Main/1st Street station would be located immediately in front of City Hall South. The City Hall South building would not be affected.

This acquisition and the proposed light rail facilities would not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection. The SHPO has concurred that there would not be an adverse effect on this historic property from the At-Grade

Emphasis LRT Alternative. The At-Grade Emphasis LRT Alternative would have a *de minimis* impact to City Hall South as defined by SAFETEA-LU.

5.3.2.1.4 2nd Street Tunnel

The At-Grade Emphasis LRT Alternative would require creation of a new opening in the side of the tunnel and conversion of the tunnel to primarily light rail use. The SHPO has concurred that there would be an adverse effect on this historic property from the At-Grade Emphasis LRT Alternative.

The At-Grade Emphasis LRT Alternative would result in permanent incorporation of the 2nd Street Tunnel into a new transportation facility, which constitutes use of a Section 4(f) protected historic resource under Title 49 U.S.C. Section 303.

5.3.2.1.5 Undiscovered Archaeological Resources

As indicated in EIS Section 4.12.2 of this Final EIS/EIR, the Zanja is assumed to be eligible for NRHP. Similar to the LPA, the analysis finds that the At-Grade Emphasis LRT Alternative and Underground Emphasis LRT Alternative could have potentially significant impacts on the Zanja and other archaeological resources. Although no formal determination of eligibility has been made, by signing the MOA and agreeing to mitigation measures proposed to address adverse effects under Section 106 of the National Historic Preservation Act (NHPA), the SHPO has confirmed that they believe the resource to be eligible for the NRHP. As described in Section 4.12.2.4.2, if segments are discovered during the pre-construction evaluations or during construction there would be a formal evaluation. If the Zanja is encountered during construction, there could be effects to the resource. However, these effects to the resource would be evaluated as part of a larger system, similar to an archaeological district. Due to the size of the Zanja system, any impacts to it from construction of the Regional Connector project would be limited to that particular segment; therefore, the resource (a district) would not be impaired to the degree that it would no longer be eligible for the NRHP. With the mitigation measures proposed in the MMRP and the MOA, there would be no constructive use of the resource that would qualify it as a Section 4(f) resource.

Any discovery of the Zanja system would be evaluated by FTA to determine whether preservation in place is warranted, and the determination would be coordinated with the SHPO.

In addition, there are no avoidance alternatives for the Zanja for the Regional Connector project. No build alternative for the Regional Connector can avoid this impact to the Zanja or to other archaeological resources that may be encountered during construction. The purpose of the MOA is to delineate specific SHPO-approved procedures that would be implemented in the case of any unanticipated archaeological discovery during construction.

5.3.2.2 Parks, Recreation Areas, and Refuges

5.3.2.2.1 Grand Hope Park

Grand Hope Park is zoned as open space by the City of Los Angeles, which makes it eligible for protection under Section 4(f). Due to its distance from the proposed LRT facilities, no part of Grand Hope Park would be permanently incorporated or temporarily occupied by the At-Grade

Emphasis LRT Alternative. No parts of the proposed LRT facilities would be visible from Grand Hope Park, and no increase in noise from construction or operation is expected to be perceivable from such a distance.

Grand Hope Park is a small park bordered by major freeway access streets and quiet and serenity are not significant attributes of the park. Any potential construction hauling routes near the park would not interfere with its use. The At-Grade Emphasis LRT Alternative would not affect access to the park or in any way diminish its utility during construction. Once the alternative is completed, access to the park would be slightly improved due to the increased number of rail lines serving the nearest Metro Rail station, 7th Street/Metro Center Station. As such, no use under Section 4(f) would occur as a result of the At-Grade Emphasis LRT Alternative.

5.3.2.2.2 Pershing Square

Pershing Square is identified as a park in the Central City Community Plan and zoned as open space by the City of Los Angeles, which makes it eligible for Section 4(f) protection (City of Los Angeles 2003). Due to its distance from the proposed LRT facilities, no part of Pershing Square would be permanently incorporated or temporarily occupied by the At-Grade Emphasis LRT Alternative. No parts of the proposed LRT facilities would be visible from Pershing Square, and no increase in noise from construction or operation is expected to be perceivable from such a distance.

Pershing Square is a small park bordered on all sides by parking garage access ramps and major freeway access streets. Quiet and serenity are not significant attributes of the park. Any potential construction hauling routes located near the park would not introduce any new interference with its use for outdoor performances. Construction of the At-Grade Emphasis LRT Alternative would not significantly affect access to the park or in any way diminish its utility, though some detours may be needed on trips crossing Flower Street. As such, no use under Section 4(f) would occur as a result of the At-Grade Emphasis LRT Alternative.

5.3.2.2.3 City Hall Park

The northbound track of the At-Grade Emphasis LRT Alternative and the proposed at-grade Main/1st Street station would be on the opposite side of Main Street from City Hall Park. No part of City Hall Park would be temporarily occupied or permanently incorporated into the project. The appearance of the at-grade LRT trains and facilities across the street would be in keeping with the urban setting surrounding the park, and would not substantially alter the visual setting. Visual intrusion into the park's surroundings may occur during construction, but these would be minor, temporary (12 to 18 months), and mostly confined to the opposite side of Main Street. These potential visual intrusions would not impair the aesthetic features or attributes of the park.

Noise from operations in this location is expected to increase by 1 decibel above the existing background noise, which would be virtually imperceptible to the human ear. Construction noise would be expected to last for about 12 to 18 months, and would be minimized as outlined in Section 4.7, Noise and Vibration, so as not to disturb other noise-sensitive land uses in the area,

including the adjacent Kyoto Grand Hotel. Additionally, vibration levels would remain well below FTA thresholds.

City Hall Park is bounded by major bus and freeway access streets on three sides and quiet and serenity are not significant attributes of the park. Construction noise would not diminish its utility. Temporary closures of the adjacent street and sidewalk areas may be necessary during construction, but access would be maintained to the park at all times. This intermittent restriction of access would not diminish the park's utility. As such, no use under Section 4(f) would occur as a result of the At-Grade Emphasis LRT Alternative.

5.3.2.2.4 Civic Center Mall/Future Civic Park

The park is identified as open space in the Central City Community Plan and City of Los Angeles zoning, which makes it eligible for Section 4(f) protection (City of Los Angeles 2003). Due to its distance from the proposed LRT facilities, no part of the park would be permanently incorporated or temporarily occupied. No parts of the proposed LRT facilities would be visible from the park, and no increase in noise from construction or operation is expected because the alignments and all construction would be underground in the vicinity.

Since the two streets bordering the park (Grand Avenue and Hill Street) are major bus and freeway access streets, any potential use of these streets for construction hauling routes would not substantially change the nature of large vehicle traffic that currently exists. The At-Grade Emphasis LRT Alternative would not significantly affect access to the park or in any way diminish its utility during construction. Once construction is complete, access to the park would be slightly improved by the proposed new 2nd/Hope Street station located two and one half blocks away. As such, no use under Section 4(f) would occur as a result of the At-Grade Emphasis LRT Alternative.

5.3.2.2.5 Los Angeles Plaza Park

Los Angeles Plaza Park is zoned as open space by the City of Los Angeles, which makes it eligible for protection under Section 4(f). Due to its distance from the proposed LRT facilities, no part of Los Angeles Plaza Park would be permanently incorporated or temporarily occupied by the At-Grade Emphasis LRT Alternative. No part of the proposed LRT facilities would be visible from Los Angeles Plaza Park, and no increase in noise from construction or operation is expected to be perceivable from such a distance, especially because the park is separated from proposed construction areas by a freeway. The At-Grade Emphasis LRT Alternative would not affect access to the park or in any way diminish its utility during construction; once the At-Grade Emphasis LRT Alternative is completed, access to the park would be slightly improved due to the increased number of rail lines serving the nearest Metro Rail station, Union Station. As such, no use under Section 4(f) would occur as a result of the At-Grade Emphasis LRT Alternative.

5.3.2.2.6 County Park at Walt Disney Concert Hall

The Walt Disney Concert Hall is not included within the proposed station site or construction staging areas for the At-Grade Emphasis LRT Alternative, and therefore, would not be permanently incorporated or temporarily occupied as part of the project. The proposed 2nd/Hope Street station would be visually compatible with its urban surroundings, and would not

substantially alter the setting of the Walt Disney Concert Hall's terrace. Since the proposed 2nd/Hope Street station would be located underground, no significant change in noise levels is expected after mitigation as a result of operations, and vibration levels would remain below FTA thresholds after mitigation.

Construction activities would be located across the street and three stories below the terrace level, and would not be visible from most of the terrace. Temporary visual impacts would not substantially intrude upon the terrace or diminish its utility. In addition, the concert hall building shields most of the outdoor terrace from view of potential station construction areas, and would block some of the anticipated construction noise. Both construction and ambient noise would be reduced by the terrace's location three stories above street level, so construction noise would not substantially interfere with use and enjoyment of the terrace.

Construction methods in the area would include the cut and cover method, which occurs mostly underground. These methods are described further in Sections 2.4 and 4.18. Construction noise is expected to last for about 24 to 48 months, and would be minimized as outlined in Section 4.7, Noise and Vibration, so as not to disturb other noise-sensitive land uses in the area, including the adjacent high-rise apartment and condominium buildings.

The At-Grade Emphasis LRT Alternative may require intermittent street and sidewalk closures during construction, but access to the Walt Disney Concert Hall would be maintained and potential closures would not diminish the terrace's utility. Once construction is completed, the new station would substantially improve transit access to the facility. Overall, no use under Section 4(f) would occur as a result of the At-Grade Emphasis LRT Alternative.

5.3.2.2.7 Fletcher Bowron Square

The appearance of the at-grade LRT trains and facilities in the adjacent roadway would be in keeping with the urban setting surrounding the plaza, and would not substantially alter the visual setting. Visual intrusion into the plaza's surroundings may occur during construction, but these would be minor and temporary (12 to 18 months). The plaza is located approximately one story above the track level and passing trains and most construction activities would be largely shielded from view. These limited visual intrusions would not impair the aesthetic features or attributes of the park.

Noise from operations in this location is expected to increase by approximately 1 decibel above the existing background noise, which would be virtually imperceptible to the human ear. Construction noise would be expected to last for about 12 to 18 months, and would be minimized as outlined in Section 4.7, Noise and Vibration, so as not to disturb other noise-sensitive land uses in the area, including the high concentration of public office buildings. Additionally, vibration levels would remain well below FTA thresholds. Fletcher Bowron Square is bounded by major bus and freeway access streets on three sides and quiet and serenity are not significant attributes of the plaza. Therefore, construction noise would not diminish its utility.

Temporary closures of the adjacent street and sidewalk areas may be necessary during construction, but access would be maintained to the plaza at all times, and this intermittent

restriction of access would not diminish the plaza's utility. The plaza would remain accessible via an existing pedestrian bridge across Temple Street, so visitors from the City Hall complex would not have to traverse the construction area. Upon completion of the At-Grade Emphasis LRT Alternative, access to the plaza would be improved by the proposed Main/1st Street and the Los Angeles/1st Street stations. As such, no use under Section 4(f) would occur as a result of the At-Grade Emphasis LRT Alternative.

5.3.2.2.8 Maguire Gardens

The cut and cover tunnel would be located adjacent to the gardens and beneath Flower Street. The At-Grade Emphasis LRT Alternative's underground Flower/6th/5th Street station box would also be adjacent to the gardens, and the sidewalk fronting the gardens on Flower Street would be widened to accommodate a new station entrance. This sidewalk area is not a part of Maguire Gardens, and no part of the gardens would be included in the station site or construction staging areas. Therefore, no permanent incorporation or temporary occupation would occur.

The station entrances for the At-Grade Emphasis LRT Alternative would be visually compatible with the urban surroundings, and would not substantially alter the setting of Maguire Gardens. Construction activities would be located immediately adjacent to the gardens, and would temporarily alter the surroundings. However, because the construction would occur mostly underground, these visual intrusions would be brief and intermittent, and would not substantially diminish the utility of the gardens.

Construction noise is expected to last for about 24 to 48 months, and would be minimized as outlined in Section 4.7, Noise and Vibration, so as not to disturb other noise-sensitive land uses in the area, including the adjacent Bonaventure Hotel and California Club. Potential noise impacts would also be brief and intermittent, and mostly confined to underground areas, and therefore would not substantially diminish the utility of the gardens. More information on the cut and cover construction method to be used in the area is provided in Sections 2.4 and 4.18. Since the alignment and adjacent station would be located underground, no change in noise levels is expected as a result of operations, and vibration levels would remain below FTA thresholds.

The At-Grade Emphasis LRT Alternative would require intermittent street and sidewalk closures and temporary disruption of access to the Flower Street parking garage entrance during construction, but access to the gardens would be maintained, and several alternate garages are located within one block. As a result, access to the site would not be substantially reduced. Once the construction is completed, the new station entrance adjacent to Maguire Gardens would greatly improve transit access to the facility. Overall, no use under Section 4(f) would occur as a result of the At-Grade Emphasis LRT Alternative.

5.3.3 Underground Emphasis LRT Alternative

The underground alignment of the Underground Emphasis LRT Alternative would affect the St. Vibiana Cathedral Rectory property, which is discussed in Section 5.3.3.1.1. No other historic properties would be affected from a 4(f) standpoint.

The Underground Emphasis LRT Alternative is located within approximately one-quarter mile of the following parks and recreation areas, which are discussed further in Section 5.3.3.2:

- Grand Hope Park
- Pershing Square
- City Hall Park
- Civic Center Mall/Civic Park
- County Park at Walt Disney Concert Hall
- Fletcher Bowron Square
- Maguire Gardens

5.3.3.1 Historic Properties

5.3.3.1.1 *St. Vibiana Cathedral Rectory*

The Underground Emphasis LRT Alternative would require a small subsurface tunneling easement beneath the St. Vibiana Cathedral Rectory property. The easement would extend approximately five feet into the north end of the property along 2nd Street. The rectory building and grounds would not be affected, and no project facilities would use any portion of the rectory or adversely affect the characteristics that make it eligible for protection under Section 4(f). The SHPO has concurred that there would not be an adverse effect on this historic property from the underground alignment.

The Underground Emphasis LRT Alternative would have a *de minimis* impact to the St. Vibiana Cathedral Rectory as defined by SAFETEA-LU.

5.3.3.1.2 *Undiscovered Archaeological Resources*

As indicated in Section 4.12.2 of this Final EIS/EIS, the Zanja Madre is assumed to be eligible for the NRHP. Similar to the LPA, the analysis finds that the Underground Emphasis LRT Alternative could have potentially significant impacts on the Zanja and other archaeological resources. The analysis proposes detailed mitigation that would reduce these impacts below the level of significance. This alternative has not been designated as the LPA. The Metro Board of Directors designated an LPA in October 2010, and an MOA has been prepared and signed for the LPA by FTA, Metro, and SHPO, as discussed in Section 4.12 of this Final EIS/EIR.

In addition, there are no avoidance alternatives for the Zanja for the Regional Connector project. No build alternative for the Regional Connector can avoid this impact to the Zanja or to other archaeological resources that may be encountered during construction. The purpose of the MOA is to delineate specific SHPO-approved procedures that would be implemented in the case of any unanticipated archaeological discovery during construction.

5.3.3.2 Parks, Recreation Areas, and Refuges

5.3.3.2.1 *Grand Hope Park*

Grand Hope Park is zoned as open space by the City of Los Angeles, which makes it eligible for protection under Section 4(f). Due to its distance from the proposed LRT facilities, no part of Grand Hope Park would be permanently incorporated or temporarily occupied by the Underground Emphasis LRT Alternative. No parts of the proposed LRT facilities would be visible from Grand Hope Park, and no increase in noise from construction or operation is expected to be perceivable from such a distance.

Grand Hope Park is a small park bordered by major freeway access streets and quiet and serenity are not significant attributes of the park. Any potential construction hauling routes near the park would not interfere with its use. The Underground Emphasis LRT Alternative would not affect access to the park or in any way diminish its utility during construction. Once the alternative is completed, access to the park would be slightly improved due to the increased number of rail lines serving the nearest Metro Rail station, 7th Street/Metro Center Station. As such, no use under Section 4(f) would occur as a result of the Underground Emphasis LRT Alternative.

5.3.3.2.2 *Pershing Square*

Pershing Square is identified as a park in the Central City Community Plan and zoned as open space by the City of Los Angeles, which makes it eligible for Section 4(f) protection (City of Los Angeles 2003). Due to its distance from the proposed LRT facilities, no part of Pershing Square would be permanently incorporated or temporarily occupied by the Underground Emphasis LRT Alternative. No parts of the proposed LRT facilities would be visible from Pershing Square, and no increase in noise from construction or operation is expected to be perceivable from such a distance.

Pershing Square is a small park bordered on all sides by parking garage access ramps and major freeway access streets. Quiet and serenity are not significant attributes of the park. Any potential construction hauling routes located near the park would not introduce any new interference with its use for outdoor performances. Construction of the Underground Emphasis LRT Alternative would not significantly affect access to the park or in any way diminish its utility, though some detours may be needed on trips crossing Flower Street. As such, no use under Section 4(f) would occur as a result of the Underground Emphasis LRT Alternative.

5.3.3.2.3 *City Hall Park*

City Hall Park is a small park bordered by major freeway access streets and quiet and serenity are not significant attributes of the park. Any potential construction hauling routes located near the park would not interfere with its use by the public. No parts of the proposed LRT facilities for the Underground Emphasis LRT Alternative would be visible from City Hall Park because they would be underground. Therefore, there would be no visual or noise effects on the park from operations.

The Underground Emphasis LRT Alternative would not affect access to the park or in any way diminish its utility during construction; once construction is completed, access to the park

would be slightly improved due to the placement of a new rail station on 2nd Street. As such, no use under Section 4(f) would occur as a result of the Underground Emphasis LRT Alternative.

5.3.3.2.4 Civic Center Mall/Civic Park

The park is identified as open space in the Central City Community Plan and City of Los Angeles zoning, which makes it eligible for Section 4(f) protection (City of Los Angeles 2003). Due to its distance from the proposed LRT facilities, no part of the park would be permanently incorporated or temporarily occupied. No parts of the proposed LRT facilities would be visible from the park, and no increase in noise from construction or operation is expected because the alignments and all construction would be underground in the vicinity.

Since the two streets bordering the park (Grand Avenue and Hill Street) are major bus and freeway access streets, any potential use of these streets for construction hauling routes would not substantially change the nature of large vehicle traffic that currently exists. The Underground Emphasis LRT Alternative would not significantly affect access to the park or in any way diminish its utility during construction. Once construction is complete, access to the park would be slightly improved by the proposed new 2nd/Hope Street station located two and one half blocks away. As such, no use under Section 4(f) would occur as a result of the Underground Emphasis LRT Alternative.

5.3.3.2.5 County Park at Walt Disney Concert Hall

The Walt Disney Concert Hall is not included within the proposed station site or construction staging areas for the Underground Emphasis LRT Alternative, and therefore, would not be permanently incorporated or temporarily occupied as part of the project. The proposed 2nd/Hope Street station would be visually compatible with its urban surroundings, and would not substantially alter the setting of the Walt Disney Concert Hall's terrace. Since the proposed 2nd/Hope Street station would be located underground, no significant change in noise levels is expected after mitigation as a result of operations, and vibration levels would remain below FTA thresholds after mitigation.

Construction activities would be located across the street and three stories below the terrace level, and would not be visible from most of the terrace. Temporary visual impacts would not substantially intrude upon the terrace or diminish its utility. In addition, the Walt Disney Concert Hall building shields most of the outdoor terrace from view of potential station construction areas, and would block some of the anticipated construction noise. Both construction and ambient noise would be reduced by the terrace's location three stories above street level, so construction noise would not substantially interfere with use and enjoyment of the terrace.

Construction methods in the area could potentially include tunnel boring, cut and cover, and possibly sequential excavation, all of which occur mostly underground. These methods are described further in Sections 2.4 and 4.18. Construction noise is expected to last for about 24 to 48 months, and would be minimized as outlined in Section 4.7, Noise and Vibration, so as not to disturb other noise-sensitive land uses in the area, including the adjacent high-rise apartment and condominium buildings.

The Underground Emphasis LRT Alternative may require intermittent street and sidewalk closures during construction, but access to the Walt Disney Concert Hall would be maintained and potential closures would not diminish the terrace's utility. Once construction is completed, the new station would substantially improve transit access to the facility. Overall, no use under Section 4(f) would occur as a result of the Underground Emphasis LRT Alternative.

5.3.3.2.6 Fletcher Bowron Square

The plaza at Fletcher Bowron Square is two blocks north of the alignment for the Underground Emphasis LRT Alternative. The Underground Emphasis LRT Alternative would be underground as it passes two blocks south of Fletcher Bowron Square. None of the LRT facilities or construction activities would be visible from Fletcher Bowron Square. Also, no significant construction or operation noise would be expected to be perceptible from such a distance. Fletcher Bowron Square is a small plaza bordered by major bus and freeway access thoroughfares and quiet and serenity are not significant attributes of the plaza. Any potential construction hauling routes located near the plaza would be consistent with the current traffic patterns and would not interfere with the plaza's use.

The Underground Emphasis LRT Alternative would not affect access to the park or in any way diminish its utility during construction. Overall, no use under Section 4(f) would occur.

5.3.3.2.7 Maguire Gardens

The cut and cover tunnel would be located adjacent to the gardens and beneath Flower Street. The Underground Emphasis LRT Alternative's underground Flower/5th/4th Street station box would also be adjacent to the gardens, and the sidewalk fronting the gardens on Flower Street would be widened to accommodate a new station entrance. This sidewalk area is not a part of Maguire Gardens, and no part of the gardens would be included in the station site or construction staging areas. Therefore, no permanent incorporation or temporary occupation would occur.

The station entrances for the Underground Emphasis LRT Alternative would be visually compatible with the urban surroundings, and would not substantially alter the setting of Maguire Gardens. Construction activities would be located immediately adjacent to the gardens, and would temporarily alter the surroundings. However, because the construction would occur mostly underground, these visual intrusions would be brief and intermittent, and would not substantially diminish the utility of the gardens.

Construction noise is expected to last for about 24 to 48 months, and would be minimized as outlined in Section 4.7, Noise and Vibration, so as not to disturb other noise-sensitive land uses in the area, including the adjacent Bonaventure Hotel and California Club. Potential noise impacts would also be brief and intermittent, and mostly confined to underground areas, and therefore would not substantially diminish the utility of the gardens. More information on the cut and cover construction method to be used in the area is provided in Sections 2.4 and 4.18. Since the alignment and adjacent station would be located underground, no change in noise levels is expected as a result of operations, and vibration levels would remain below FTA thresholds.

The Underground Emphasis LRT Alternative would require intermittent street and sidewalk closures and temporary disruption of access to the Flower Street parking garage entrance during construction, but access to the gardens would be maintained, and several alternate garages are located within one block. As a result, access to the site would not be substantially reduced. Once the construction is completed, the new station entrance adjacent to Maguire Gardens would greatly improve transit access to the facility. Overall, no use under Section 4(f) would occur as a result of the Underground Emphasis LRT Alternative.

5.3.4 Locally Preferred Alternative

The underground alignment of the LPA would affect the St. Vibiana Cathedral Rectory property, which is discussed in Section 5.3.4.1.1. No other historic properties would be affected from a Section 4(f) standpoint.

The LPA is located within approximately one-quarter mile of the following parks and recreation areas, which are discussed further in Section 5.3.4.2:

- Grand Hope Park
- Pershing Square
- City Hall Park
- Civic Center Mall/Future Civic Park
- Los Angeles Plaza Park
- County Park at Walt Disney Concert Hall
- Fletcher Bowron Square
- Maguire Gardens

Conclusions in this section are based on the criteria described in Section 5.1.

5.3.4.1 Historic Properties

5.3.4.1.1 St. Vibiana Cathedral Rectory

The LPA would require a small subsurface tunneling easement beneath the St. Vibiana Cathedral Rectory property. The easement would extend several feet into the north end of the property along 2nd Street. The rectory building and grounds would not be affected, and no project facilities would use any portion of the rectory or adversely affect the characteristics that make it eligible for protection under Section 4(f). The SHPO (the agency with jurisdiction) has concurred that there would not be an adverse effect on this historic property from the underground alignment as part of the Memorandum of Agreement (MOA) for the project (see Appendix 3, Memorandum of Agreement with the California State Historic Preservation Officer).

The LPA would have a *de minimis* impact to the St. Vibiana Cathedral Rectory as defined by SAFETEA-LU.

5.3.4.1.2 Undiscovered Archaeological Resources

As indicated in Section 4.12.2 of this Final EIS/EIS, the Zanja Madre is assumed to be eligible for the NRHP. The analysis finds that the LPA could have potentially significant impacts on the Zanja and other archaeological resources. The analysis proposes detailed mitigation that would reduce these impacts below the level of significance. The MOA incorporates all of the mitigation measures. The SHPO has concurred with both the analysis and the mitigation in the MOA. Because this agreement has been developed and signed, it will require the appropriate level of mitigation for reducing impacts such that Section 4(f) does not apply. The MOA establishes the method of documentation of the Zanja that is appropriate to avoid use as defined by Section 4(f).

In addition, there are no avoidance alternatives for the Zanja for the Regional Connector project. No build alternative for the Regional Connector can avoid this impact to the Zanja or to other archaeological resources that may be encountered during construction. The purpose of the MOA is to delineate specific SHPO-approved procedures that would be implemented in the case of any unanticipated archaeological discovery during construction.

5.3.4.2 Parks, Recreation Areas, and Refuges

5.3.4.2.1 Grand Hope Park

Grand Hope Park is zoned as open space by the City of Los Angeles, which makes it eligible for protection under Section 4(f). Due to its distance from the proposed LRT facilities, no part of Grand Hope Park would be permanently incorporated or temporarily occupied by the LPA. No parts of the proposed LRT facilities would be visible from Grand Hope Park, and no increase in noise from construction or operation is expected to be perceivable from such a distance.

Grand Hope Park is a small park bordered by major freeway access streets and quiet and serenity are not significant attributes of the park. Any potential construction hauling routes near the park would not interfere with its use. The LPA would not affect access to the park or in any way diminish its utility during construction. Once the alternative is completed, access to the park would be slightly improved due to the increased number of rail lines serving the nearest Metro Rail station, 7th Street/Metro Center Station. As such, no use under Section 4(f) would occur as a result of the LPA.

5.3.4.2.2 Pershing Square

Pershing Square is identified as a park in the Central City Community Plan and zoned as open space by the City of Los Angeles, which makes it eligible for Section 4(f) protection (City of Los Angeles 2003). Due to its distance from the proposed LRT facilities, no part of Pershing Square would be permanently incorporated or temporarily occupied by the LPA. No parts of the proposed LRT facilities would be visible from Pershing Square, and no increase in noise from construction or operation is expected to be perceivable from such a distance.

Pershing Square is a small park bordered on all sides by parking garage access ramps and major freeway access streets. Quiet and serenity are not significant attributes of the park. Any potential construction hauling routes located near the park would not introduce any new interference with its use for outdoor performances. Construction of the LPA would not significantly affect access to the park or in any way diminish its utility, though some detours may be needed on trips crossing Flower Street. As such, no use under Section 4(f) would occur as a result of the LPA.

5.3.4.2.3 City Hall Park

City Hall Park is a small park bordered by major freeway access streets and quiet and serenity are not significant attributes of the park. Any potential construction hauling routes located near the park would not interfere with its use by the public. No parts of the proposed LRT facilities for the LPA would be visible from City Hall Park because they would be underground. Therefore, there would be no visual or noise effects on the park from operations.

The LPA would not affect access to the park or in any way diminish its utility during construction; once construction is completed, access to the park would be slightly improved due to the placement of a new rail station on 2nd Street between Broadway and Spring Street. As such, no use under Section 4(f) would occur as a result of the LPA.

5.3.4.2.4 Civic Center Mall/Future Civic Park

The park is identified as open space in the Central City Community Plan and City of Los Angeles zoning, which makes it eligible for Section 4(f) protection (City of Los Angeles 2003). Due to its distance from the proposed LRT facilities, no part of the park would be permanently incorporated or temporarily occupied. No parts of the proposed LRT facilities would be visible from the park, and no increase in noise from construction or operation is expected because the alignments and all construction would be underground in the vicinity.

Since the two streets bordering the park (Grand Avenue and Hill Street) are major bus and freeway access streets, any potential use of these streets for construction hauling routes would not substantially change the nature of large vehicle traffic that currently exists. The LPA would not significantly affect access to the park or in any way diminish its utility during construction. Once construction is complete, access to the park would be slightly improved by the proposed new 2nd/Hope Street station located two and one half blocks away. As such, no use under Section 4(f) would occur as a result of the LPA.

5.3.4.2.5 Los Angeles Plaza Park

Los Angeles Plaza Park is zoned as open space by the City of Los Angeles, which makes it eligible for protection under Section 4(f). Due to its distance from the proposed LRT facilities, no part of Los Angeles Plaza Park would be permanently incorporated or temporarily occupied by the LPA. No part of the proposed LRT facilities would alter views from Los Angeles Plaza Park, and no increase in noise from construction or operation is expected to be perceivable from such a distance, especially because the park is separated from proposed construction areas by a freeway. The LPA would not affect access to the park or in any way diminish its utility during construction; once the LPA is completed, access to the park would be slightly improved due to

the increased number of rail lines serving the nearest Metro Rail station, Union Station. As such, no use under Section 4(f) would occur as a result of the LPA.

5.3.4.2.6 County Park at Walt Disney Concert Hall

The Walt Disney Concert Hall is not included within the proposed station site or construction staging areas for the LPA, and therefore, would not be permanently incorporated or temporarily occupied as part of the project. The proposed 2nd/Hope Street station would be visually compatible with its urban surroundings, and would not substantially alter the setting of the Walt Disney Concert Hall's terrace. Since the proposed 2nd/Hope Street station would be located underground, no significant change in noise levels is expected after mitigation as a result of operations, and vibration levels would be below FTA thresholds after mitigation.

Construction activities would be located across the street and three stories below the terrace level, and would not be visible from most of the terrace. Temporary visual impacts would not substantially intrude upon the terrace or diminish its utility. In addition, the concert hall building shields most of the outdoor terrace from view of potential station construction areas, and would block some of the anticipated construction noise. Both construction and ambient noise would be reduced by the terrace's location three stories above street level, so construction noise would not substantially interfere with use and enjoyment of the terrace.

Construction methods in the area could potentially include tunnel boring, cut and cover, and possibly sequential excavation, all of which occur mostly underground. These methods are described further in Sections 2.4 and 4.18. Construction noise is expected to last for about 24 to 48 months, and would be minimized as outlined in Section 4.7, Noise and Vibration, so as not to disturb other noise-sensitive land uses in the area, including the adjacent high-rise apartment and condominium buildings.

The LPA may require intermittent street lane and sidewalk closures during construction, but access to the Walt Disney Concert Hall would be maintained and potential closures would not diminish the terrace's utility. Once construction is completed, the new station would substantially improve transit access to the facility. Overall, no use under Section 4(f) would occur as a result of the LPA.

5.3.4.2.7 Fletcher Bowron Square

The plaza at Fletcher Bowron Square is two blocks north of the alignment for the LPA. The LPA would be underground as it passes two blocks south of Fletcher Bowron Square. None of the LRT facilities or construction activities would be visible from Fletcher Bowron Square. Also, no significant construction or operation noise would be expected to be perceptible from such a distance. Fletcher Bowron Square is a small plaza bordered by major bus and freeway access thoroughfares and quiet and serenity are not significant attributes of the plaza. Any potential construction hauling routes located near the plaza would be consistent with the current traffic patterns and would not interfere with the plaza's use.

The LPA would not affect access to the park or in any way diminish its utility during construction. Overall, no use under Section 4(f) would occur.

5.3.4.2.8 Maguire Gardens

The cut and cover tunnel proposed for all of the build alternatives, including the LPA, would be located adjacent to the gardens and beneath Flower Street. The proposed enhanced pedestrian walkway would be constructed in the sidewalk area bordering the western edge of Maguire Gardens. The sidewalk would be expanded into the street in order to make room for this improvement. This sidewalk area is not a part of Maguire Gardens, and no part of the gardens would be included in the enhanced pedestrian walkway or construction staging areas. Therefore, no permanent incorporation or temporary occupation would occur.

The enhanced pedestrian walkway would be visually compatible with the urban surroundings, and would not substantially alter the setting of Maguire Gardens. Construction activities for the walkway and the cut and cover tunnel would be located immediately adjacent to the gardens, and would temporarily alter the surroundings. However, because the construction would occur mostly underground, these visual intrusions would be brief and intermittent, and would not substantially diminish the utility of the gardens.

Construction noise is expected to last for about 24 to 48 months, and would be minimized as outlined in Section 4.7, Noise and Vibration, so as not to disturb other noise-sensitive land uses in the area, including the adjacent Bonaventure Hotel and California Club. Potential noise impacts would also be brief and intermittent, and mostly confined to underground areas, and therefore would not substantially diminish the utility of the gardens. More information on the cut and cover construction method to be used in the area is provided in Sections 2.4 and 4.18. Since the alignment would be located underground, no change in noise levels is expected as a result of operations, and vibration levels would remain below FTA thresholds.

The LPA would require intermittent street lane and sidewalk closures and temporary disruption of access to the Flower Street parking garage entrance during construction, but access to the gardens would be maintained, and several alternate garages are located within one block. As a result, access to the site would not be substantially reduced. Once the construction is completed, the enhanced pedestrian walkway adjacent to Maguire Gardens would improve pedestrian access to the park. Overall, no use under Section 4(f) would occur as a result of the LPA.

5.4 Section 4(f) Evaluation Conclusions

5.4.1 No Build and TSM Alternatives

The No Build and TSM Alternatives would not affect any Section 4(f) protected historic resources, parks, recreation areas, or refuges under Title 49 U.S.C. Section 303.

5.4.2 At-Grade Emphasis LRT Alternative

5.4.2.1 Historic Properties

The At-Grade Emphasis LRT Alternative would permanently incorporate the 2nd Street Tunnel, a historic resource protected by Section 4(f), into the Regional Connector Transit Corridor project. It would also potentially result in a *de minimis* impact on three other Section 4(f) resources: Parker Center, City Hall South, and the Los Angeles Police Motor Transport Division. A *de*

minimis finding for historic resources is a no adverse effect finding under Section 106. Because the At-Grade Emphasis LRT Alternative is the only alternative that would use a Section 4(f) resource, it cannot be selected, and one of the other build alternatives deemed to be feasible and prudent must be selected.

In addition, there are no avoidance alternatives for the Zanja for the Regional Connector project. No build alternative for the Regional Connector can avoid this impact to the Zanja or to other archaeological resources that may be encountered during construction. The purpose of the MOA is to delineate specific SHPO-approved procedures that would be implemented in the case of any unanticipated archaeological discovery during construction.

In accordance with Title 49 U.S.C. Section 303, the Underground Emphasis LRT Alternative and the LPA would be feasible and prudent avoidance alternatives to the At-Grade Emphasis LRT Alternative, which would use a Section 4(f) resource (the 2nd Street Tunnel). The No Build and TSM Alternatives would not be feasible and prudent avoidance alternatives because they do not meet the project purpose and need.

5.4.2.2 Parks, Recreation Areas, and Refuges

The At-Grade Emphasis LRT Alternative would not result in a use of Section 4(f) protected parks, recreation areas, or refuges under Title 49 U.S.C. Section 303. Therefore, no mitigation measures or avoidance alternatives need to be pursued.

5.4.3 Underground Emphasis LRT Alternative

5.4.3.1 Historic Properties

The Underground Emphasis LRT Alternative would have a *de minimis* impact on the St. Vibiana Cathedral Rectory.

In addition, there are no avoidance alternatives for the Zanja for the Regional Connector project. No build alternative for the Regional Connector can avoid this impact to the Zanja or to other archaeological resources that may be encountered during construction. The purpose of the MOA is to delineate specific SHPO-approved procedures that would be implemented in the case of any unanticipated archaeological discovery during construction.

5.4.3.2 Parks, Recreation Areas, and Refuges

The Underground Emphasis LRT Alternative would not result in a use of Section 4(f) protected parks, recreation areas, or refuges under Title 49 U.S.C. Section 303. Therefore, no mitigation measures or avoidance alternatives need to be pursued.

5.4.4 Locally Preferred Alternative

5.4.4.1 Historic Properties

The LPA would have a *de minimis* impact on the St. Vibiana Cathedral Rectory.

In addition, there are no avoidance alternatives for the Zanja for the Regional Connector project. No build alternative for the Regional Connector can avoid this impact to the Zanja or to other

archaeological resources that may be encountered during construction. The purpose of the MOA is to delineate specific SHPO-approved procedures that would be implemented in the case of any unanticipated archaeological discovery during construction. The MOA establishes the method of documentation of the Zanja that is appropriate to avoid use as defined by Section 4(f).

5.4.4.2 Parks, Recreation Areas, and Refuges

The LPA would not result in a use of Section 4(f) protected parks, recreation areas, or refuges under Title 49 U.S.C. Section 303. Therefore, no mitigation measures or avoidance alternatives need to be pursued.

